

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WEAVER, ET AL

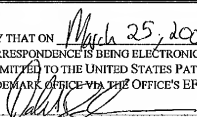
Serial No.: 10/002,566

Filed: NOVEMBER 1, 2001

For: SYSTEM AND METHOD  
FOR PRODUCT  
CATEGORY  
MANAGEMENT ANALYSIS

Examiner: A. K. Robinson Boyce

Group Art Unit: 3628

Docket No. 5603USA  
(GMI0055/US)Mail Stop: Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450I CERTIFY THAT ON March 25, 2009, THIS  
CORRESPONDENCE IS BEING ELECTRONICALLY  
TRANSMITTED TO THE UNITED STATES PATENT AND  
TRADEMARK OFFICE VIA THE OFFICE'S EFS-WEB  
DALE A. BJORKMAN

## REPLY BRIEF

Dear Sir or Madam:

This Reply Brief is submitted in response to the Examiner's Answer mailed January 26, 2009, in the above-identified patent application, which is under appeal.

It is further submitted that this Reply Brief is timely filed within the two-month period set out in M.P.E.P. § 1208 from the date of the Examiner's Answer. No fee is believed to be due at this time. If any fees are required, please charge them to Deposit Account No. 50-1775 and notify us of the same.

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### **III. Status of Claims**

Claims 1-4 have been cancelled.

Claims 5-8 have been rejected.

Claim 9 has been cancelled.

Claims 10-13 have been rejected.

Claim 14 has been cancelled.

Claims 15-20 have been rejected.

The rejection of claims 5-8, 10-13 and 15-20 is appealed.

## VII. Argument

In response to the Examiner's Answer, Appellants provide the following comments:

In the Examiner's Answer, the Examiner stated that the claims do not "disclose increasing sales or profits of a retailer in a market category, and therefore, appellant's argument is moot."

This statement shows the fundamental error of analysis in the outstanding rejection. Specifically, the Examiner fails to understand the invention as a whole, which is drawn to a category management method that provides an integrated category management report that is a targeted opportunity assessment and market analysis at least partially customized for an intended retailer end user. See claim 6, the sole pending independent claim.

In the Examiner's zeal in identifying pieces and parts of the components of the present disclosure, the Examiner ignores what the defined terms used in the claims mean in the context of the present specification. The presently claimed method provides a unique outcome with benefits not realized by prior art information collection and reporting mechanisms.

As discussed in Appellant's brief at pages 7 and 8, the terms of the present claims have been carefully selected and defined. "Category Management" is more than simply carrying out inventory control, but involves understanding the product desires of the customer demographic of a particular store, and recognizing the best product offerings and presentation of the products within that retail location to maintain customers and generate more sales (page 1, paragraph [0003]). An "integrated category management report" is not a mere organization of information from various databases, but instead is defined as a targeted opportunity assessment and market analysis at least partially customized for the intended end user (page 7, paragraph [0018]).

The "integrated category management report" as required in the present claims is therefore expressly designed to provide the outcome of increase sales or profits of a retailer in a category. See paragraphs [0018] and [0019] of the present specification.

Thus, the benefit of increasing sales or profits of a retailer as described in the argument of the Brief on Appeal flows directly from the present claim language, and is at the center of the analysis of patentability of the present claims.

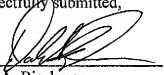
Careful consideration of the invention as a whole in view of the defined terms used in the claims is respectfully requested.

**Conclusion**

It is respectfully submitted that the Appellants have shown that the rejections of claims 5-8, 10-13 and 15-20 are unsound and must be reversed. It is also respectfully submitted that that the pending claims are in condition for immediate allowance. Favorable action by the Board and allowance of all claims is, therefore, respectfully solicited.

Dated: March 25, 2009

Respectfully submitted,

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DAB/51674

### **VIII. Appendix – Claims on Appeal**

1-4. (cancelled)

5. The method of claim 6 further including dynamically including or excluding further detailed information from said report depending on whether additional analysis results are available.

6. A category management method comprising:  
obtaining data from plural data sources including a consumer purchase tracking data set and a demographics data set;  
using automated analysis to analyze at least a portion of said obtained data; and  
providing an integrated category management report based at least in part on said analysis, said integrated category management report being a targeted opportunity assessment and market analysis at least partially customized for an intended retailer end user.

7. The method of claim 6 further including delivering said integrated category management report at least in part over a network.

8. The method of claim 7 wherein said integrated category management report includes interactive fields that can call up additional information.

9. (cancelled)

10. The method of claim 7 further including dynamically including or excluding further detailed information from said integrated category management report depending on whether additional analysis results are available.

11. The method of claim 7 further including providing a score card that tracks said category management over time.

12. The method of claim 7 wherein said network is the Internet.
13. The method of claim 7 wherein said network is a local area network.
14. (cancelled)
15. The method of claim 6 wherein said integrated category management report includes a pricing suggestion for at least one product.
16. The method of claim 6 wherein said integrated category management report includes at least one suggestion for improving the sales of at least one product.
17. The method of claim 6 wherein said integrated category management report includes at least one suggestion for improving the sales of a category of products.
18. The method of claim 6 wherein said integrated category management report includes at least one report segment selected from the group consisting of consumer assessment, category assessment, pricing analysis, promotion analysis, placement analysis, and product assortment analysis.
19. The method of claim 6 wherein said data sources further include at least one planogram.
20. The method of claim 6 wherein at least one of said data sets relates to cereal.